

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Examiner is also thanked for indicating that claim 30 contains allowable subject matter. The Office Action dated October 6, 2008 has been received and its contents carefully reviewed.

Claims 1, 2, 4, 10, 21-23, and 27-30 are amended to correct minor informalities. No new matter has been added. Reexamination and reconsideration of the pending claims are respectfully requested in view of the remarks below.

The Office Action rejects claims 1-29 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,474,796 to Brennan (*Brennan*). Applicants respectfully traverse the rejection.

In order to establish *prima facie* obviousness of the claimed invention, all the elements of the claims must be taught or suggested by the prior art. *Brennan* does not teach or suggest every element of claims 1-29, and thus, cannot render these claims obvious.

Claim 1 recites, "introduction of the liquid of interest into a box via an introduction means, the box enclosing the active surface ... the means for introducing and for extracting the liquid of interest in the box being arranged such that when the liquid of interest is introduced into the box, the liquid of interest covers the uptake areas." *Brennan* fails to teach or suggest the above-recited elements of claim 1. *Global Partners Realty* synthesis of arrays of bound oligonucleotides. *Brennan*, Examples 1-3, column 7 line 7, to column 9, line 13. Specifically, *Brennan* discloses that "[d]elivery of the appropriate blocked nucleotides and activating agents in acetonitrile is directed to individual dots using the picopump apparatus described in Example 3." *Brennan*, column 8, lines 6-9, emphasis added. In other words, the picopump introduces a different agent to each individual dot in the array, and thus, each dot is covered by a different agent. *Brennan* does not teach or suggest that one "liquid of interest covers the uptake areas", as required by claim 1. Furthermore, introducing one agent on the glass substrate and then extract the agent as suggested by the Office Action would be contradictory to the teaching of *Brennan* and make *Brennan* inoperable because *Brennan* expressly teaches different agents for different dots in the array. Accordingly, claim 1 is patentable over *Brennan*. Claims 2-29 variously depend from claim 1, and thus are also patentable over *Brennan* for at least the same reason as claim 1.

Additionally, claim 2 recites, "each uptake area is arranged with at least one working area formed on the active surface such that this working area is in contact with the captive drop of liquid of interest", and claim 3 recites, "at least one working area is an area that is non-wetting with respect to the liquid of interest." *Brennan* fails to teach or suggest at least the above-recited elements of claims 2 and 3. In fact, *Brennan* is silent with respect to the working area. The Office Action fails to address the above-recited elements of claim 2. See, *Office Action*, page 6, lines 8-15. Regarding claim 3, the Office Action states "the entire glass substrate is equivalent to the claimed working area." *Office Action*, page 6, lines 16-17. Applicants respectfully disagree. Claim 3 depends from claim 2, which requires "at least one working area formed on the active surface." Thus, the active surface is not equivalent to the working area. Therefore, claims 2 and 3 and their dependent claims are patentable over *Brennan* for this additional reason.

Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-29.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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